

GRAZING ADVISORY BOARD AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill addresses the sunset date and changes the name of the State Grazing Advisory Board.

Highlighted Provisions:

This bill:

- changes the name of the state grazing advisory board;
- extends the sunset date of the state grazing advisory board; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-20-102, as enacted by Laws of Utah 2017, Chapter 345

4-20-103, as last amended by Laws of Utah 2021, Chapter 382

63I-1-204, as last amended by Laws of Utah 2021, Chapters 74, 178, and 375

63L-8-403, as last amended by Laws of Utah 2017, Chapter 345

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-20-102** is amended to read:

4-20-102. Definitions.

As used in this chapter:

(1) "Cooperative weed management association" means a multigovernmental association cooperating to control noxious weeds in a geographic area that includes some portion of Utah.

(2) "Fees" means the revenue collected by the United States secretary of interior from

33 assessments on livestock using public lands.

34 (3) "Grazing district" means an administrative unit of land:

35 (a) designated by the commissioner as valuable for grazing and for raising forage
36 crops; and

37 (b) that consists of any combination of the following:

38 (i) public lands;

39 (ii) private land;

40 (iii) state land; and

41 (iv) school and institutional trust land as defined in Section 53C-1-103.

42 (4) "Public lands" mean vacant, unappropriated, reserved, and unreserved federal
43 lands.

44 (5) "Regional board" means a regional grazing advisory board with members appointed
45 under Section 4-20-104.

46 (6) "Restricted account" means the Rangeland Improvement Account created in
47 Section 4-20-105.

48 (7) "Sales" or "leases" means the sale or lease, respectively, of isolated or disconnected
49 tracts of public lands by the United States secretary of interior.

50 (8) "State board" means the ~~[State Grazing]~~ Utah Grazing Improvement Program
51 Advisory Board created under Section 4-20-103.

52 Section 2. Section **4-20-103** is amended to read:

53 **4-20-103. Utah Grazing Improvement Program Advisory Board -- Duties.**

54 (1) (a) There is created within the department the ~~[State Grazing]~~ Utah Grazing
55 Improvement Program Advisory Board.

56 (b) The commissioner shall appoint the following members:

57 (i) one member from each regional board;

58 (ii) one member from the Conservation Commission, created in Section 4-18-104;

59 (iii) one representative of the Department of Natural Resources;

60 (iv) two livestock producers at-large; and

61 (v) one representative of the oil, gas, or mining industry.

62 (2) The term of office for a state board member is four years.

63 (3) Members of the state board shall elect a chair, who shall serve for two years.

(4) A member may not receive compensation or benefits for the member's service but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The state board shall:

- (a) receive:
 - (i) advice and recommendations from a regional board concerning:
 - (A) management plans for public lands, state lands, and school and institutional trust lands as defined in Section 53C-1-103, within the regional board's region; and
 - (B) any issue that impacts grazing on private lands, public lands, state lands, or school and institutional trust lands as defined in Section 53C-1-103, in its region; and
 - (ii) requests for restricted account money from the entities described in Subsections (5)(c)(i) through (iv);
- (b) recommend state policy positions and cooperative agency participation in federal and state land management plans to the department and to the Public Lands Policy Coordinating Office, created under Section 63L-11-201; and
- (c) advise the department on the requests and recommendations of:
 - (i) regional boards;
 - (ii) county weed control boards, created in Section 4-17-105;
 - (iii) cooperative weed management associations; and
 - (iv) conservation districts created under the authority of Title 17D, Chapter 3, Conservation District Act.

Section 3. Section **63I-1-204** is amended to read:

63I-1-204. Repeal dates, Title 4.

- (1) Section 4-2-108, which creates the Agricultural Advisory Board, is repealed July 1, 2023.
- (2) Title 4, Chapter 2, Part 7, Pollinator Pilot Program, is repealed July 1, 2024.
- (3) Section 4-17-104, which creates the State Weed Committee, is repealed July 1, 2026.

(4) Title 4, Chapter 18, Part 3, Utah Soil Health Program, is repealed July 1, 2026.

(5) Section 4-20-103, which creates the ~~[State Grazing]~~ Utah Grazing Improvement Program Advisory Board, is repealed July 1, ~~[2022]~~ 2023.

(6) Sections 4-23-104 and 4-23-105, which create the Agricultural and Wildlife Damage Prevention Board, are repealed July 1, 2024.

(7) Section 4-24-104, which creates the Livestock Brand Board, is repealed July 1, 2025.

(8) Section 4-35-103, which creates the Decision and Action Committee, is repealed July 1, 2026.

(9) Section 4-39-104, which creates the Domesticated Elk Act Advisory Council, is repealed July 1, 2027.

Section 4. Section **63L-8-403** is amended to read:

63L-8-403. Grazing permits and leases.

(1) (a) Except as provided in Subsection (2), permits and leases for domestic livestock grazing on public land issued by the director may not exceed a term of five years, subject to terms and conditions the director determines to be appropriate and consistent with this chapter.

(b) The director shall have authority to cancel, suspend, or modify a grazing permit or lease, in whole or in part:

(i) pursuant to the terms and conditions of the permit or lease;

(ii) for any violation of:

(A) this chapter or a grazing rule implemented under this chapter; or

(B) any term or condition of the grazing permit or lease; or

(iii) to protect rangeland health from overutilization pursuant to Subsection (7).

(2) The holder of an expiring permit or lease shall be given first priority for receipt of the new permit or lease, provided:

(a) the land for which the permit or lease is issued remains available for domestic livestock grazing in accordance with a land use plan prepared pursuant to Section 63L-8-202;

(b) the permittee or lessee is in compliance with:

(i) the provisions of this chapter and the grazing rules issued by the DLM, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(ii) the terms and conditions in the permit or lease specified by the director;

(c) the permittee or lessee accepts the terms and conditions included by the director in the new permit or lease; and

(d) range conditions on the tract of public land are sufficient to support continued livestock grazing, as determined by the director pursuant to Subsection (7).

(3) ~~[All permits]~~ Permits and leases for domestic livestock grazing issued under this part may be incorporated in an allotment management plan developed by the director.

(4) (a) If the director elects to develop an allotment management plan for a given area, the director shall do so in consultation, cooperation, and coordination with:

(i) the lessees, permittees, and landowners involved;

(ii) the commissioner;

(iii) the ~~[State Grazing]~~ Utah Grazing Improvement Program Advisory Board established under Section 4-20-103; and

(iv) the political subdivision having land within the area covered by the proposed allotment management plan.

(b) An allotment management plan shall be:

(i) tailored to the specific range condition of the area covered by the plan; and

(ii) reviewed on a periodic basis to determine:

(A) the efficacy of the plan in improving range conditions on the involved land; and

(B) whether the land can be better managed.

(5) The director may revise or terminate plans, or develop new plans, after review and consideration, consultation, cooperation, and coordination with the parties listed in Subsection (4)(a).

(6) (a) In all cases where the director has not completed an allotment management plan or determines that an allotment management plan is not necessary for management of livestock operations, the director shall incorporate in grazing permits and leases ~~[all]~~ the necessary terms and conditions for the appropriate management of the permitted or leased land.

(b) The director, in consultation with the commissioner:

(i) shall specify the number of animals to be grazed and the seasons of use; and

(ii) may reexamine the condition of the range and forage utilization at any time.

(7) If the director finds that the condition of the range requires adjustment in the amount or other aspect of grazing use, the permittee or lessee shall adjust the permittee or

157 lessee's use to the extent required by the director.

158 (8) An allotment management plan may not refer to livestock operations or range
159 improvements on non-public land, except where the non-public land is intermingled with
160 public land and the consent of the owner of the non-public land and the permittee or lessee
161 involved with the plan is obtained.

162 (9) (a) Whenever a permit or lease for grazing domestic livestock on public land is
163 canceled, in whole or in part, in order to devote the land covered by the permit or lease to
164 another public purpose, the permittee or lessee shall receive from the state reasonable
165 compensation for the adjusted value, to be determined by the director, of the permittee's or
166 lessee's interest in authorized permanent improvements placed or constructed by the permittee
167 or lessee on lands covered by such permit or lease.

168 (b) The compensation described in Subsection (9)(a) may not exceed the fair market
169 value of the terminated portion of the permittee's or lessee's interest.

170 (10) Except in cases of emergency, ~~[no]~~ a permit or lease ~~[shall]~~ may not be canceled
171 under this ~~[subsection]~~ section without one year's notification.